

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

TruePosition, Inc., )  
                          )  
                          )  
Plaintiff/            )  
Counterclaim-Defendant, )  
                          )  
                          ) Civil Action No. 05-747-SLR  
v.                      )  
                          )  
Andrew Corporation, )  
                          )  
                          )  
Defendant/            )  
Counterclaim-Plaintiff. )  
                          )  
\_\_\_\_\_

**TRUEPOSITION'S MOTION FOR SUMMARY JUDGMENT  
ON ANDREW'S COUNTERCLAIMS II-VI AND AFFIRMATIVE DEFENSES III-V**

Plaintiff/Counterclaim-Defendant TruePosition, Inc. ("TruePosition") hereby respectfully moves, under Rule 56 of the Federal Rules of Civil Procedure, for the entry of summary judgment in its favor dismissing Defendant/Counterclaim-Plaintiff Andrew Corporation's standards-based Counterclaims II through VI and its Third through Fifth Affirmative Defenses.

Grounds in support of this motion, showing a lack of genuine issues of material fact relating to any of Andrew's standards-based counterclaims, are set forth in the accompanying memorandum in support of this motion, which is incorporated herein by reference.

Respectfully submitted,

DATED: February 2, 2007

By: /s/ Francis DiGiovanni

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Defendant/          )  
Counterclaim-Plaintiff. )  
                          )  
\_\_\_\_\_

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2007, upon  
consideration of TruePosition's Motion for Summary Judgment on Andrew's Counterclaims II-  
VI and Affirmative Defenses III-V, together with the supporting memorandum and all opposing  
papers thereto, it is hereby ORDERED that TruePosition's motion is GRANTED.

It is FURTHER ORDERED that, pursuant to Rule 56 of the Federal Rules of Civil  
Procedure, Counterclaims II through VI filed by Defendant/Counterclaim-Plaintiff Andrew  
Corporation, together with Andrew's Third through Fifth affirmative defenses, are hereby  
dismissed with prejudice.

BY THE COURT:

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Sue. L. Robinson  
United States District Judge

**CERTIFICATE OF SERVICE**

I, Francis DiGiovanni, hereby certify that on this 2<sup>nd</sup> day of February, 2007, I caused a true and correct copy of the foregoing **TruePosition's Motion for summary Judgment on Andrew's Counterclaims II-VI and Affirmative Defenses III-V** to be served upon the following individuals in the manner indicated below:

***Via hand-delivery***

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*/s/ Francis DiGiovanni*

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